
HOUSE BILL No. 1265

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-33-18-1.5.

Synopsis: Child abuse or neglect records. Specifies the data and information that must be disclosed in records of cases of a child fatality or near fatality that may have been a result of abuse, abandonment, or neglect.

Effective: July 1, 2009.

Avery

January 13, 2009, read first time and referred to Committee on Family, Children and Human Affairs.

C
o
p
y



Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1265

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 31-33-18-1.5, AS AMENDED BY P.L.145-2006,
2 SECTION 284, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) This section applies to
4 records held by:
5 (1) the division of family resources;
6 (2) a county office;
7 (3) the department;
8 (4) a local child fatality review team established under
9 IC 31-33-24; or
10 (5) the statewide child fatality review committee established
11 under IC 31-33-25;
12 regarding a child whose death or near fatality may have been the result
13 of abuse, abandonment, or neglect.
14 (b) For purposes of subsection (a), a child's death or near fatality
15 may have been the result of abuse, abandonment, or neglect if:
16 (1) an entity described in subsection (a) determines that the child's
17 death or near fatality is the result of abuse, abandonment, or

2009

IN 1265—LS 6827/DI 110+



C
o
p
y

neglect; or

(2) a prosecuting attorney files:

(A) an indictment or information; or

(B) a complaint alleging the commission of a delinquent act; that, if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

Upon the request of any person, or upon its own motion, the court exercising juvenile jurisdiction in the county in which the child's death or near fatality occurred shall determine whether the allegations contained in the indictment, information, or complaint described in subdivision (2), if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

(c) As used in this section:

(1) "identifying information" means information that identifies an individual, including an individual's:

(A) name, address, date of birth, occupation, place of employment, and telephone number;

(B) employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;

(C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;

(D) unique electronic identification number, address, or routing code;

(E) telecommunication identifying information; or

(F) telecommunication access device, including a card, a plate, a code, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access; and

(2) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

(d) Unless information in a record is otherwise confidential under state or federal law, a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses of copying the record.

(e) When a person requests a record described in subsection (a), the entity having control of the record shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in the county in

C
o
p
y



1 which the death or near fatality of the child occurred. However, if the
 2 court requests that the entity having control of a record transmit the
 3 original record, the entity shall transmit the original record.

4 (f) Upon receipt of the record described in subsection (a), the court
 5 shall, within thirty (30) days, redact the record to exclude:

6 (1) identifying information described in subsection (c)(1)(B)
 7 through (c)(1)(F) of a person; and

8 (2) all identifying information of a child less than eighteen (18)
 9 years of age.

10 (g) The court shall disclose the record redacted in accordance with
 11 subsection (f) to any person who requests the record, if the person has
 12 paid:

13 (1) to the entity having control of the record, the reasonable
 14 expenses of copying under IC 5-14-3-8; and

15 (2) to the court, the reasonable expenses of copying the record.

16 **(h) The data and information in a record disclosed under this**
 17 **section must include the following:**

18 **(1) A summary of the report of abuse or neglect and a factual**
 19 **description of the contents of the report.**

20 **(2) The date of birth and gender of the child.**

21 **(3) The cause of the fatality or near fatality, if the cause has**
 22 **been determined.**

23 **(4) Whether the department or the office of the secretary of**
 24 **family and social services had any contact with the child or a**
 25 **member of the child's family or household before the fatality**
 26 **or near fatality, and if the department or the office of the**
 27 **secretary of family and social services had contact, the**
 28 **following:**

29 **(A) The frequency of the contact or communication with**
 30 **the child or a member of the child's family or household**
 31 **before the fatality or near fatality and the date on which**
 32 **the last contact or communication occurred before the**
 33 **fatality or near fatality.**

34 **(B) Whether the department or the office of the secretary**
 35 **of family and social services provided any welfare services**
 36 **to the child or to a member of the child's family or**
 37 **household before or at the time of the fatality or near**
 38 **fatality.**

39 **(C) Whether the department or the office of the secretary**
 40 **of family and social services made any referrals for welfare**
 41 **services for the child or for a member of the child's family**
 42 **or household before or at the time of the fatality or near**

C
o
p
y



fatality.

(D) Whether the department or the office of the secretary of family and social services took any other actions concerning the welfare of the child before or at the time of the fatality or near fatality.

(E) A summary of the status of the child's case at the time of the fatality or near fatality, including:

(i) whether the child's case was closed by the department or the office of the secretary of family and social services before the fatality or near fatality; and

(ii) if the child's case was closed as described under item (i), the reasons that the case was closed.

(5) Whether, in response to the fatality or near fatality, the department or office of the secretary of family and social services:

(A) has provided or intends to provide welfare services to the child or to a member of the child's family or household;

(B) has made or intends to make a referral for welfare services for the child or for a member of the child's family or household; and

(C) has taken or intends to take any other action concerning the welfare and safety of the child or any member of the child's family or household.

~~(h)~~ (i) The court's determination under subsection (f) that certain identifying information or other information is not relevant to establishing the facts and circumstances leading to the death or near fatality of a child is not admissible in a criminal proceeding or civil action.

C
o
p
y

